

## REMARKS/ARGUMENTS

### *Amendments in General*

1. Claims 1, 19 and 21 have been amended to particularly point out that the insert is permanently attached to the body of the waste trap. The inclusion of the term permanent together with the word non-removable is intended to clarify that the connection between the insert and the body is a permanent, non-removable relationship which cannot be modified. These amendments add no new matter to the specification and acceptance of these amendments is respectfully requested.

### *Claim Rejections - 35 USC § 102*

2. The Examiner rejected claims 1, 3, 5-7, 9-14, 19, 21 and 23-26, 28 and 29 under 35 USC §102(b) as being anticipated by Palmer.

3. “A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described in a single prior art reference.” *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). “The identical invention must be shown in as complete detail as contained in the . . . claim.” *Richardson v. Suzuki Motor Co.*, 828 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). MPEP § 2131.

4. The Palmer reference fails to teach each and every feature of the invention as the invention is described in the claims. Palmer does not teach or suggest that the insert in that reference “I” is permanently, non-removably secured. This feature is expressly contained in claims 1, 16, 19 and 21 and incorporated by dependency into the other claims of the application.

5. The Palmer reference describes the relationship between the insert and the body as stated in the description at column 5 at line 39. The insert is described as being “slidably engaged” to the body. A slideable engagement is not a permanent non-removable one.

6. The purpose of the Palmer trap is to resolve the difficulties associated with fluid in the trap freezing. The metal insert “I” in Palmer is used to transmit heat into an ice plug which may have formed. This is done by heating the metal insert in some way. A person of skill in the art would understand that the metal insert will expand and contract in use, and non-removably securing the insert “I” to the housing would hinder expansion and contraction and could cause damage to the housing.

7. Further evidence of a sliding engagement is implicit from the following paragraphs and the Figures. Referring to Figure 2, the insert "I" is shown with a bite out of the bottom right corner. This permits the insert "I" to be supported on a shoulder 26 defined by the housing. This is explained in column 5 from line 61 to column 6, line 2. There is no teaching in this paragraph of the insert being non-removably secured. The implication is that the insert "I" merely rests on this shoulder, and is removable and non-permanent.

8. The following paragraph in column 6 of the Palmer reference discusses the upper portion of the insert "I" being made to establish a "snug sealing engagement" within the body or, in the alternative, a suitable amount of sealing compound can be used to provide adequate sealing between the parts of the structure. There is no implication of non-removably securing in this paragraph either. If non-removably securing was the intention, then in my view, Palmer would not have described the engagement as a "snug sealing engagement," or materials such as "sealing compounds." This interpretation of the description is further backed-up in the following paragraph where there is discussion of splitting the sleeve-like portion to allow for "free expansion and contraction." If something can freely expand and contract then it is very difficult to see how this could be "non-removably secured."

9. For these reasons, I do not believe that the Palmer document anticipates the independent claims 1, 16, 19 and 21, or any of the claims that depend therefrom, and withdrawal of these rejections is respectfully requested.

### ***Claim Rejections - 35 USC § 103***

10. The Examiner rejected claim 15 under §103(a) as being unpatentable over Palmer in view of Carter.

11. "To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art and not based on the Applicant's disclosure. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991)." MPEP § 706.02(j).

12. As has been discussed above, the Palmer reference does not teach the presence of a non-removable insert. The Carter reference does not teach this feature either. Therefore, Applicant respectfully submits that the Examiner's rejection of claim 15 be withdrawn.

13. The Examiner has further rejected claims 4-5, 8, 18, 30 and 31 under 35 USC §103(a) as being unpatentable over Nance '877 in view of Webster et al.

14. The Examiner comments that the threaded arrangement of Nance is non-removable because a nut is deemed tamper-proof. That is not the meaning of tamper-proof in the context of the present application. As stated on page 10, line 11 of the present application, "The nut 26 may be made non-removable to further ensure that the insert is non-removably secured to the body." Implicit in this statement is that a nut is not non-removable *per se*, but may be made non-removable by modification.

15. I believe the objection combining Nance and Webster is incorrect and would not arrive at the invention defined in claims 30 and 31. Claims 30 and 31 describe a trap with a plastic insert and a metal body. The Examiner alleges that although Nance describes a trap made entirely of metal, Webster teaches that metal and plastic are interchangeable.

16. I disagree; the trap shown in Webster is formed by the tube. The other parts of the Webster design for a flushless urinal are completely irrelevant with respect to the trap. There is no insert at all and the only equivalent portion to the Applicant's trap is the body portion 14. As this is made of plastic, and in the unlikely event that a person of skill in the art would combine Nance and Webster at all, he would consider manufacturing the trap of Nance with a plastic body. The resulting trap would be the opposite arrangement to the Applicant's claimed invention.

17. There is a passage in Webster in column 3 beginning at line 19 which refers to use of metals and plastics, but this is in the context of the corrosive properties of urine. The trap of Nance is a sink trap. A person of skill in the art would not consider these teachings to be motivating so as to combine the teachings of these references. A person of skill in the art would not find these statements in Webster significant because Nance is not intended to handle corrosive urine.

18. Furthermore, the Nance reference teaches that it is a "major object" of Nance (line 4) to provide a trap which can be cleaned. Based on the drawings of Nance I think this means the integral strainer plate and pipe are big enough, that once removed, a user can insert a hand into the trap for cleaning. If so, it would not be a simple case of replacing such a large component with a plastic component. Additional strengthening features would be required, such as webs, to ensure the strainer plate and pipe are fit for purpose. This is especially true when you consider the tightening load of the bolt which passes through the strainer plate and pipe. This acts on the plate to form a seal with the sink. If the plate were made of plastic without strengthening features, the plate would probably flex and not form a tight seal. There is no teaching in either document of the design or location of the required additional strengthening.

19. The final objection in the Office Action is against claims 20 and 27.

20. Claim 20 describes the insert as being tamper-proof. The Examiner is alleging that the insert 22 of Nance would be deemed tamper-proof in that a screwdriver would be necessary in order to remove it. This is not what we mean by tamper-proof, indeed in the present application on page 5 at line 23 we have said "The insert of the present invention is also tamper-proof in the sense that it is not possible to remove the insert from the body once assembled and secured without damaging the insert or the body." Clearly, if the insert can be removed with nothing more than a screwdriver, this can be done without causing any damage to the insert or the body. The Nance reference is not tamper-proof.

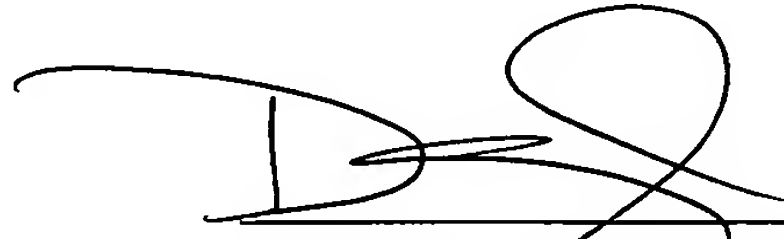
### CONCLUSION

If the Examiner feels it would advance the application to allowance or final rejection, the Examiner is invited to telephone the undersigned at the number given below.

Reconsideration and allowance of the application as amended is respectfully requested.

DATED this 23<sup>rd</sup> day of August 2005.

Very respectfully,

  
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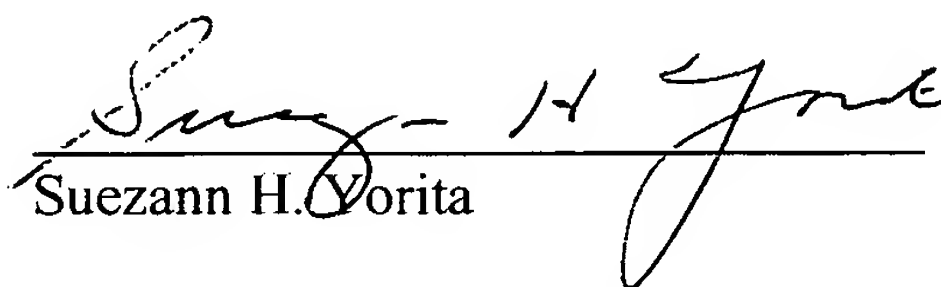
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